



M O S K O W I T Z & B O O K , L L P

David A. Stein
Senior Counsel
DStein@mb-llp.com

345 Seventh Avenue
New York, NY 10001
Phone: (212) 221-7999
Fax: (646) 833-1657

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VIA ELECTRONIC MAIL:
Orenstein_chambers@nyed.uscourts.gov

Hon. James Orenstein
United States Magistrate Judge
United States District Court for the
Eastern District of New York
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York, NY 11201

Re: *Runs Like Butter Inc. v. MVI Systems LLC and Samuel Taub*,
No. 1:19-cv-02432-ARR-JO

Dear Judge Orenstein:

We represent MVI Industries, LLC (“MVI Industries”), a Delaware limited liability company and non-party to the above-referenced litigation (the “Action”). We write, at the suggestion of Chambers, to request that the Court entertain our direct participation in the status conference scheduled for Monday, September 23, 2019 at 2:00 PM in the Action.

As the Court is aware, the nature of the relationship between defendant MVI Systems, LLC (“MVI Systems”), a New York limited liability company, and our client, and the details of the August 2019 asset purchase transaction between those entities (“Asset Purchase”), have recently become subjects of inquiry by plaintiff. Plaintiff, without basis, apparently seeks to hold MVI Industries liable for a prospective judgment against defendant MVI Systems, or to void the Asset Purchase as an alleged fraudulent conveyance.

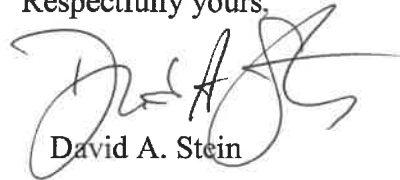
The misconception of plaintiff’s counsel and, we fear, the Court, apparently has been facilitated by the uninformed comments of defendants’ litigation counsel Max Moskowitz. Mr. Moskowitz was not, and is not, privy to the details of the arms-length Asset Purchase, including the confidentiality provisions of the Asset Purchase Agreement which are implicated by plaintiff’s recent discovery demands in the Action. Nor does Mr. Moskowitz represent MVI Industries, an independent entity with no potential successor liability in this matter.

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Respectfully, we wish to correct, on the record, any misstatements of fact made by Mr. Moskowitz or defendant Samuel Taub as to our client and the Asset Purchase.

We thank the Court in advance for the opportunity to be heard at Monday's status conference.

Respectfully yours,



David A. Stein

cc: David D. Lin, Esq. (via email: david@ilawco.com)
Max Moskowitz, Esq. (via email: mmoskowitz@ostrolenk.com)
Simcha Schoenfeld, Esq. (via email: sds@kandsllp.com)